

REMARKS

Claims 1, 6, 14-16, 20 and 25-32 are pending in the present application. No claims are withdrawn from consideration. By virtue of this response, no claim is cancelled, claim 15 is amended, and no new claim is added. Accordingly, claims 1, 6, 14-16, 20, and 25-32 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

Rejections under 35 USC § 102

Claims 1, 6-16, 20, 26, and 31 are rejected under 35 USC § 102(e) as allegedly being anticipated by Hu U.S. Patent No. 6,173,322 [hereinafter Hu].

Claim 1 recites “[a] method for distributing browser web page requests comprising: receiving web page requests at a first web server, determining whether a predetermined condition exists at the first web server; and if the predetermined condition exists, then redirecting by the first web server at least one of the web page requests from the first web server to another web server for servicing.”

The rejection alleges that Hu teaches “redirecting by the first web server at least one of the web page requests from the first web server to another web server for servicing,” as claim 1 recites in part. The sections of Hu cited in support of this allegation are column 6, lines 11-22, and column 4, line 66 through column 5, line 8.

First turning to column 6, lines 11-22, Applicants submit that this portion of Hu discloses, “a data flow diagram 300 representing the general operation of the present invention...[which] traces the path of a client request issued by client 104 through the present invention.” Applicants thus submit that if Hu were to disclose the above recitation of claim 1, it would likely be around this point in the specification. However, lines 16-22 teach, “Network request manager 102 responds to the client request with **either** the results of servicing the request,

or with information which will allow client 104 to contact directly (ie., "redirection information") the content server 106 selected to service the request." (emphasis added) Applicants submit that Hu teaches responding to a client request at the network request manager 102 by either servicing the request or by passing information to client 104 that allows client 104 to "contact directly" content server 106.

Column 5, lines 28-47 of Hu are in accordance. This section teaches, "[n]etwork request manager 102 includes a server module 202, a rules module 204, a policy module 206, a connection module 208 (including a proxy module 210, a redirect module 212, and a connection cache 214), a data cache 216, and a pinger module 218...Server module 202 receives a client request from client 104 via wide-area network 108...Rules module 204 and policy modules 206 select a content server 106 to service each client request. These modules implement a two-step approach: (i) apply one or more static rules to the client request to select a group of content servers, then (ii) select a particular content server from the selected group according to a dynamic metric....[c]onnection module 208 causes a connection to be established with the particular content server 106 selected by rules module 204 and policy modules 206. In a preferred embodiment, connection module 208 employs either proxy module 210 or redirect module 212 to cause the connection to be established, depending upon whether certain redirection criteria have been satisfied."

Thus, Applicants submit that either a client request is serviced by the network request manager of Hu or the network request manager of Hu directs the client to request information directly from a content server. As such, Applicants respectfully submit that Hu does not teach, "receiving web page requests at a first web server...,then redirecting by the first web server at least one of the web page requests from the first web server to another web server for servicing" because Hu does not teach assigning a web page request to a web server, and then redirecting from that web server to another web server, as claim 1 recites.

Hu column 4, line 66 through column 5, line 8 teaches, "[n]etwork request manager 102 most commonly would operate as a web site on a TCP/IP network. Content servers 106 accessible via the web site might be located anywhere network request manager 102 is connected via a

communication pathway. For instance, the computer which operates as the network request manager 102 may also act as a content server 106. Further, a content server 106 may be connected to the network request manager 102 via a parallel bus, accessible via a LAN, or even accessible as a separate web site via a TCP/IP network.”

The underlined portion of Hu above has apparently been relied upon in several previous rejections to support the proposition that Hu teaches redirecting a request from one web server to another web server. In particular, paragraph 3 from the rejection of January 11, 2006 states that “Hu discloses a system for distributing user requests among plurality content servers 106 and 102. For example request manager 102 which also can act as a content server receives a request and redirects that request to another content server (the same content server 102 who receives the request is the one that redirects the request to another content server. (see col. 5, lines 3-8 and col. 12, lines 35-42).”

However, Applicants respectfully submit, as before, that the collocation of the network request manager and the content server of Hu still does not teach redirecting a request from one web server to another web server because Hu teaches that clients may be directed, by network request manager, to contact a content server directly, which is called “redirection” in Hu – *see* col. 6, lines 18-21, but Hu does not teach that a content server thus contacted by a client may send that request to another content server for servicing. This is so whether the content server and the network request manager are hosted on the same hardware or not.

Applicants further submit that every section of Hu cited only reinforces this distinction. For example, the rejection cites col. 12, lines 10-52 as disclosing the additional limitations of claim 9. However, this part of Hu discloses, “FIG. 11...[illustrates]...a redirect mode of operation...rules module [part of network request manager] as having selected third group 506 including content servers D, E, F, and G...policy module...accesses the current dynamic metric...and selects content server 6 to service this client request...connection module tests to determine whether the redirection criteria are satisfied...assuming that the redirection criteria have been satisfied, control passes to redirect module 212...redirect module responds to client...to

contact content server G directly...client then contacts content server G directly with the client request and receives directly whatever response is provided.” As before, Applicants respectfully submit that Hu does not teach, “redirecting by the first web server at least one of the web page requests from the first web server to another web server for servicing,” as claim 1 recites.

Claim 15 recites “a first web server operable to redirect, from the first web server to a second web server, a web page request made of the first web server, if a predetermined condition is determined to exist at the first web server.” As described above, Hu does not teach having a web server redirect a request made of it to another web server.

Claim 20 recites, “redirecting by the first web server at least some of the web page requests from the first web server to another web server if the load metric exceeds a threshold until the load metric no longer exceeds the threshold.” As described above, Hu does not teach such a recitation.

Claims 26 and 27 each recite, “redirecting by the first web server at least one of the browser requests from the first web server to another web server the redirection initiated by an agent running on a same host as the web server.” As described above, Hu does not teach this recitation.

Additionally, claim 26 recites, “distributing fewer browser web page requests to the first web server at least until the predetermined condition is determined to no longer exist at the first web server.” The rejection alleges that Hu teaches this recitation at col. 6, lines 11-22, col. 4, line 66 to col. 5, line 8 and col. 5, lines 20-54. Applicants respectfully submit that these sections have been discussed at length above, and that they do not teach this recitation.

Similarly, claim 27 recites, “monitoring web page requests received at that redirecting web server, and if no web page request has been received after a time then restarting that redirecting web server.” Applicants respectfully submit that no teaching of this recitation is evident in Hu.

Claim 29 recites, “monitoring a respective web page request queue associated with each of the web servers to determine if a predetermined condition exists at any of the web servers; and if the predetermined condition exists at any of the web servers, then redirecting by those web servers at least one web page request from each of those web servers to other web servers.” As discussed above, Hu does not teach at least the underlined portion.

Claim 31 recites, “a central manager for monitoring the web servers to determine if a predetermined condition exists at one or more of the web servers, and to command each web server at which the predetermined condition exists to redirect received web page requests.” Hu does not teach at least the underlined portion, as discussed above.

The remaining points made in the last response relating to the failure of Hu to disclose various other claim recitations, for example, that Hu does not disclose redirectly based on whether a web page has state or not (claim 12), remain valid in the present response.

As such, Applicants respectfully submit that each independent claim 1, 15, 20, 25, 26, 27, and 29 is patentable over Hu for at least the reason described above. All dependent claims are patentable over Hu at least by virtue of dependency from independent claims and in some cases by additional limitations of such respective claims.

Rejections under 35 USC § 103

Claims 27, 28, 29, 30 and 32 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Hu in View of Cieslak et al, U.S. Patent No. 5,475,813 [hereinafter Cieslak].

The Examiner bears the burden of establishing a *prima facie* case of obviousness over the prior art. *In re Rinehart*, 531 F.2d 1048 (CCPA 1976); MPEP 2142. It is a long established rule that a *prima facie* case of obviousness requires, *et al.*, a teaching or suggestion from the prior art of each and every limitation of a claim. *CFMT Inc. v. Yieldup International Corp.*, 68 USPQ2d 1940 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)); MPEP 2143.03.

Because it has been shown above that Hu does not teach the following aspects of each of the following claims, the rejection has not carried the burden of proving a *prima facie* case of obviousness because no combination of the references teaches each and every limitation of these claims.

Claims 26 and 27 each recite, “redirecting by the first web server at least one of the browser requests from the first web server to another web server the redirection initiated by an agent running on a same host as the web server.” (emphasis added)

Claim 29 recites, “monitoring a respective web page request queue associated with each of the web servers to determine if a predetermined condition exists at any of the web servers; and

if the predetermined condition exists at any of the web servers, then redirecting by those web servers at least one web page request from each of those web servers to other web servers.” As discussed above, Hu does not teach at least the underlined portion.

Claim 31 recites, “a central manager for monitoring the web servers to determine if a predetermined condition exists at one or more of the web servers, and to command each web server at which the predetermined condition exists to redirect received web page requests.” Hu does not teach at least the underlined portion, as discussed above.

Claim 32 depends from claim 31 and is allowable at least by virtue of that dependency.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. **324212005500**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 10, 2006

Respectfully submitted,

By 
Michael S. Garrabrants

Registration No.: 51,230
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-4227